

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WATER'S EDGE, A CONDOMINIUM OWNERS ASSOCIATION.

Plaintiff,

V.

AFFILIATED FM INSURANCE
COMPANY, et al.,

Defendants.

CASE NO. C19-1553JLR

ORDER ON *IN CAMERA* REVIEW

Pursuant to the court's order during the October 27, 2020 telephonic motion

hearing in this matter (*see* 10/27/20 Min. Entry (Dkt. # 48)), the court has reviewed the documents that Defendant MiddleOak Specialty Insurance (“MiddleOak”) produced to the court for *in camera* review. Based on the court’s *in camera* review and the rationale provided during the telephonic motion hearing, the court GRANTS in part and DENIES

1 in part Plaintiff Water's Edge, a Condominium Association ("Water's Edge") motion to
 2 compel. (See Mot. (Dkt. # 45).)

3 Specifically, the court GRANTS in part and DENIES in part Water's Edge's
 4 motion to compel production of documents and ORDERS MiddleOak to re-produce the
 5 documents at issue with the following changes:

Bates Numbered Page	Alteration(s)
MOCLAIM_000002	No changes
MOCLAIM_000003	No changes
MOCLAIM_000004	Remove redactions from: (1) the paragraph beginning with "WE INSURED SUBJECT PREMISES FROM . . ." and (2) the paragraph beginning with "'I spoke to our defense counsel, Dan Syhre . . .'" Remaining redactions may remain in place.
MOCLAIM_000005	Remove redactions from: (1) the time and date stamp and other entry information at the top of the page and (2) the paragraph beginning with "AREAS OF DAMAGE AND INVOKE POLICY . . ." and ending with ". . . MATERIALS USED IN CONSTRUCTION." Remaining redactions may remain in place.
MOCLAIM_000006	Remove redactions from the following quoted text from the January 9, 2020 10:10:12 log entry: (1) "I SENT E-MAIL TO DC . . ." and (2) "ANY INDICATION OF COVERED PERIL IN TEST RESULTS?" Remove redactions from the time and date stamp and other entry information for the January 9, 2020 13:02:56 log entry and remove the following redactions from that entry: (1) "DC REPLY" and (2) the sentence beginning with "THE DESTRUCTIVE TESTING HAS NOT UNCOVERED . . ." Remove redactions from the time and date stamp and other entry information for the January 9, 2020 13:43:53 log entry. Remaining redactions may remain in place.
MOCLAIM_000195	Remove all redactions
MOCLAIM_000197	Remove all redactions

1	MOCLAIM_000199	Remove all redactions
2	MOCLAIM_000204	Remove all redactions
3	MOCLAIM_000205	No changes
4	MOCLAIM_000206	Remove all redactions
5	MOCLAIM_000217	No changes
6	MOCLAIM_000218	No changes
7	MOCLAIM_000219	Remove redactions from the second paragraph in Mr. Syhre's January 9, 2020 12:02 email that begins with "The destructive testing . . ." and ends with "... repair to address the damage." Remove redactions from the following portions of Mr. Hardy's January 9, 2020 8:09 email: (1) the salutation in Mr. Hardy's email that reads "Good Morning, Dan;" (2) the second sentence in the body of the email that reads "Has the destructive testing led to any indication of covered peril being in play?;" and (3) Mr. Hardy's signature block.
8		Remaining redactions may remain in place.
9	MOCLAIM_000220	No changes
10	MOCLAIM_000221	No changes
11	MOCLAIM_000222	Remove redactions from the second paragraph in Mr. Syhre's January 9, 2020 12:02 email that begins with "The destructive testing . . ." and ends with "... repair to address the damage." Remove redactions from the following portions of Mr. Hardy's January 9, 2020 8:09 email: (1) the salutation in Mr. Hardy's email that reads "Good Morning, Dan" and (2) the second sentence in the body of the email that reads "Has the destructive testing led to any indication of covered peril being in play?"
12		Remaining redactions may remain in place.
13	MOCLAIM_000223	No changes
14	MOCLAIM_000224	Remove redactions from the second paragraph in Mr. Syhre's January 9, 2020 12:02 email that begins with "The destructive testing . . ." and ends with "... repair to address the damage." Remove redactions from the following portions of Mr. Hardy's January 9, 2020 8:09 email: (1) the salutation in Mr.
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1		Hardy's email that reads "Good Morning, Dan" and (2) the second sentence in the body of the email that reads "Has the destructive testing led to any indication of covered peril being in play?"
2		Remaining redactions may remain in place.
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4	MOCLAIM_000225	No changes
5	MOCLAIM_000226	Remove redactions from the following portions of Mr. Hardy's January 9, 2020 8:09 email: (1) the salutation in Mr. Hardy's email that reads "Good Morning, Dan" and (2) the second sentence in the body of the email that reads "Has the destructive testing led to any indication of covered peril being in play?"
6		Remaining redactions may remain in place.
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8	MOCLAIM_000231	Remove redactions from: (1) Mr. Syhre's signature block; (2) the From/Sent/To/Subject portion of Mr. Hardy's October 7, 2019 email; and (3) Mr. Hardy's signature block.
9		Remaining redactions may remain in place.
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11	MOCLAIM_000232	Remove redactions from: (1) Mr. Syhre's signature block; (2) the From/Sent/To/Subject portion of Mr. Hardy's October 4, 2019 email; and (3) Mr. Hardy's signature block.
12		Remaining redactions may remain in place.
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14	MOCLAIM_000395	Remove redactions from: (1) Mr. Hardy's signature block; and (2) the confidentiality disclaimer at the bottom of Mr. Hardy's email.
15		Remaining redactions may remain in place.
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17	MOCLAIM_000396	Remove redactions from: (1) the email attachment warning at the top of Mr. Syhre's email; and (2) Mr. Syhre's salutation that reads "Richard."
18		Remaining redactions may remain in place.
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20	MOCLAIM_000397	Remove redactions from Mr. Syhre's salutation that reads "Richard."
21		Remaining redactions may remain in place.
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	MOCLAIM_000512	Remove redactions from Mr. Syhre's salutation that reads "Richard."
		Remaining redactions may remain in place.

1	MOCLAIM_000513	Remove redactions from: (1) Mr. Panagrosso's salutation that reads "Dan // Good Morning" and (2) the closing of Mr. Panagrosso's email, which reads "Thank you // Paul." Remaining redactions may remain in place.
2	MOCLAIM_000514	No changes
3	MOCLAIM_000532	No changes
4	MOCLAIM_000536	Remove redactions from Mr. Hardy's salutation that reads "Hi Dan." Remaining redactions may remain in place.
5	MOCLAIM_000723	Remove redactions from: (1) Mr. Panagrosso's salutation that reads "Dan // Good afternoon" and (2) the closing of Mr. Panagrosso's email, which reads "Thank you // Paul." Remove redactions from: (1) Ms. Warner's first salutation that reads "Hi Paul" and second salutation that reads "Hi Lisa;" (2) the portion of Ms. Warner's email that reads "Please log and plan to monitor;"; and (3) the closing of Ms. Warner's email that reads "Thank you, // Stefanie." Remaining redactions may remain in place.
6	MOCLAIM_000724	Remove redactions from: (1) Ms. Warner's salutation that reads "Hi Neil" and (2) the closing of Ms. Warner's email that reads "Have a good evening, // Stefanie." Remaining redactions may remain in place.
7	MOCLAIM_000725	No changes
8	MOCLAIM_000726	Remove all redactions
9	MOCLAIM_000748	No changes
10	MOCLAIM_000757	Remove redactions from: (1) Mr. Panagrosso's salutation that reads "Dan // Good afternoon" and (2) the closing of Mr. Panagrosso's email, which reads "Thank you // Paul." Remove redactions from the From/Sent/To/Subject portion of Mr. Syhre's June 28, 2019 email. Remaining redactions may remain in place.
11	MOCLAIM_000758	Remove redactions from: (1) Mr. Panagrosso's salutation that reads "Good Morning" and (2) the closing of Mr. Panagrosso's email, which reads "Thank you."
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1		<u>Remaining redactions may remain in place.</u>
2	MOCLAIM_000760	Remove redactions from the closing of Mr. Panagrosso's email, which reads "Thank you // Paul." Remove redactions from: (1) the From/Sent/To/Subject portion of Mr. Syhre's June 28, 2019 email and (2) the portion of that email that reads "Privileged // Paul."
3		<u>Remaining redactions may remain in place.</u>
4	MOCLAIM_000761	Remove redactions from the closing of Mr. Panagrosso's email, which reads "Thank you." <u>Remaining redactions may remain in place.</u>
5	MOCLAIM_000763	Remove redactions from: (1) Mr. Panagrosso's salutation that reads "Dan // Good afternoon" and (2) the closing of Mr. Panagrosso's email, which reads "Thank you // Paul." Remove redactions from the salutation in Mr. Syhre's email that read "Privileged // Paul."
6		<u>Remaining redactions may remain in place.</u>
7	MOCLAIM_000764	Remove redactions from: (1) Mr. Panagrosso's salutation that reads "Dan // Good Morning" and (2) the closing of Mr. Panagrosso's email, which reads "Thank you." <u>Remaining redactions may remain in place.</u>
8	MOCLAIM_000765	Remove redactions from: (1) the salutation in Mr. Syhre's email that read "Privileged // Paul" and (2) Mr. Syhre's signature block. Remove redactions from Mr. Panagrosso's salutation that reads "Dan // Good Morning."
9		<u>Remaining redactions may remain in place.</u>
10	MOCLAIM_000766	Remove all redactions.
11	MOCLAIM_000767	Remove redactions from: (1) Mr. Panagrosso's salutation that reads "Dan // Good Morning" and (2) the closing of Mr. Panagrosso's email, which reads "Thank you." <u>Remaining redactions may remain in place.</u>
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1 The court ORDERS MiddleOak to produce these documents to Water's Edge within
2 seven days of the filing date of this order.

3 The court DENIES without prejudice Water's Edge's motion to compel Mr. Syhre
4 to submit to a deposition. Water's Edge may re-raise its motion to compel after it takes
5 additional discovery on MiddleOak's claims handling process if Water's Edge obtains
6 information in discovery showing that Mr. Syhre's deposition is necessary to Water's
7 Edge's preparation of this case.

8 Dated this 10th day of November, 2020.

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12 JAMES L. ROBART
13 United States District Judge
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